

Congress of the United States
Washington, DC 20515

October 4, 2021

The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street, NW
Washington, D.C. 20548

Dear Mr. Dodaro:

The National School Lunch Program (NSLP) and the School Breakfast Program (SBP) help schools and other entities provide meals to millions of school-aged children each year. As a part of those programs, providers are required to buy American foods. This Buy American provision requires that school food authorities (SFAs) in the contiguous United States purchase domestic foods for the NSLP and SBP. This requirement is in place to safeguard the health and well-being of our nation's children and to support the U.S. economy.

To prevent disruption to the meal programs, there are two exceptions to the requirement that allow SFAs to purchase non-domestic foods: (1) when the food is not produced in the United States in sufficient quantities or of a satisfactory quality; or (2) competitive bids show the cost of a domestic food is significantly higher than a non-domestic product. While SFAs do not need to request a waiver to purchase a non-domestic product, they must keep documentation justifying their use of an exception. State agencies are then charged with ensuring SFA compliance with the Buy American provision when conducting oversight.

As part of the *Agriculture Improvement Act of 2018* (AIA), Congress required USDA to enforce full compliance with the Buy American requirements, to ensure that states and SFAs fully understand their responsibilities, and to submit a report to Congress on actions taken to comply with this provision. The Act also included certain clarifications of the Buy American provision, such as how harvested fish are treated.

As we are a few years past the clarifications and requirement in the AIA, we would like to understand how the Buy American provision is currently being implemented, and we specifically request that you answer the following questions:

- How frequently have selected SFAs used exceptions from the Buy American provision, particularly for foods that are produced in sufficient quantities in the United States?
- What types of food have received exceptions from the Buy American provision, and to what extent did seasonality contribute to SFAs' decisions about where to purchase replacement foods?
- How have states and USDA provided oversight of the Buy American provision?

If you have any questions and for periodic updates, please contact Mandy Schaumburg (mandy.schaumburg@mail.house.gov) and Turner Bridgforth (turner.bridgforth@mail.house.gov) with our staffs.

Sincerely,

A handwritten signature in blue ink that reads "Virginia Foxx".

Virginia Foxx
Ranking Member
Committee on Education and Labor

A handwritten signature in blue ink that reads "Clay Higgins".

Clay Higgins
Member of Congress